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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,230	09/14/2000	Hideo Ando	04329.2387	3095
22852	7590	03/09/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			FLETCHER, JAMES A	
		ART UNIT	PAPER NUMBER	
		2616		

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/662,230	ANDO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James A. Fletcher	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 January 2006.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5 and 15-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/14/4.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5 January 2005 have been fully considered but they are not persuasive.

**In re page 10**, Applicant's Representative states: "Because the U.S. filing date (September 14, 2000) of the present application is earlier than Noguchi's patent issue date and the priority date (September 29, 1999) of the present application is earlier than Noguchi's U.S. filing date, Noguchi does not qualify as either a § 102(b) reference or a § 102(e) reference."

The Examiner notes that a certified translation of the priority document is required for the Examiner to be able to determine if the priority document supports the existing application.

**In re page 11**, claim 5 has been analyzed and discussed in relation to a new prior art reference, and therefore the arguments are moot.

### ***Claim Objections***

2. Claim 27 is objected to because of the following informalities: The claim recited dependency on cancelled claim 6. The Examiner will analyze and discuss this claim as though it were dependent on claim 5. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi et al (6,813,434).

**Regarding claim 25**, Noguchi et al disclose a method for reproducing and editing music information, comprising:

- selecting a first audio information represented by a first representative image (Col 16, lines 43-46 “when the generation of the play list is designated on a play list generation designation picture...a picture shown in FIG. 9A is displayed on the monitor D”) and a second audio information represented by a second representative image (Fig 8, steps S42-S33 indicates an identical procedure for selecting additional information clips);
- combining the first audio information and the second audio information into a combined audio information (Col 16, line 42 “the second play list PL2 is newly generated”);
- displaying the first representative image of the combined audio information (Col 20, lines 29-31 “when the plurality of parts are collectively reproduced as the play list, one leading picture enables the content of the play list to be easily recognized”);
- determining the first representative image being selected (Col 20, lines 7-9 “the picture corresponding to the newly selected symbol A3 is displayed as the leading picture indicative of the play list after that”); and

- reproducing the combined audio information corresponding to the selected representative image (Col 3, lines 1-7 "by combining the plural partial record information selected from a single record information, they can be edited to be reproduced in a different reproduction order. At the time of reproduction, the contents of each partial record information may be recognized by one of the representative picture information").

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 15-23, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wactlar (5,835,667).

**Regarding claim 5**, Wactlar et al disclose a method for reproducing audio information comprising:

- reading management information indicative of a reproduction relationship between audio information and still image information from an information storage medium (Col 16, lines 16-19 "The searchable portions of the digital library 36, i.e., the transcripts and auxiliary indices, exist at the top media server node 84 and are replicated at each site");
- determining, for each of the music pieces, a representative image from the at least one corresponding image such that a plurality of representative images

are determined to respectively represent the plurality of music pieces (Col 13, lines 52-58 "After the paragraphing function 33 is complete, icons are generated by function 35. Icons are a combination of text and video, either still or motion, which are created for subsequent presentation to the user performing a search. Visual icons are preferably a representative of a video paragraph or multiple contiguous video paragraphs relating to the same subject matter.");

- displaying the plurality of representative images with related text information (Col 17, lines 48-51 "Appearing on the screen are several icons, some showing motion clips of the video contained, followed by text forming an extended title/abstracts of the information contained in the video");
- receiving a selection of a specific representative image from the plurality of representative images (Col 17, lines 48-51 "Appearing on the screen are several icons, some showing motion clips of the video contained, followed by text forming an extended title/abstracts of the information contained in the video");
- selecting a specific music piece represented by the specific representative image (Col 17, lines 59-60 "Through either a mouse or a spoken command, the student requests the second icon"); and
- reproducing the audio information corresponding to the specific music piece (Col 17, lines 60-63 "The screen fills with a video of Arthur Clarke describing

how he did not try to patent communications satellites, even though he was the first to describe them").

- Wactlar discloses the use of music in the plurality of clips (Col 12, lines 43-45 "timing of audio and/or background music, and changes in content of spoken words can be used for reliable segmentation"), but does not specifically identify each of those clips as being music pieces.

The Examiner takes official notice that identifying a video clip as a music piece is notoriously well known, commercially available, and widely used, providing a user with a video "juke box" type of entertainment system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar to identify the video clips as music pieces.

**Regarding claim 15,** Wactlar discloses a method for reproducing music information from a storage medium comprising:

- reproducing management information for managing a manner of reproduction of the music information to search for a representative image representing one or more pieces of audio information (Col 16, lines 16-19 "The searchable portions of the digital library 36, i.e., the transcripts and auxiliary indices, exist at the top media server node 84 and are replicated at each site") wherein the music information is configured to be associated with one or more of the representative images (Col 17, lines 59-63 "Through either a mouse or a spoken command, the student requests the second icon. The screen fills with

a video of Arthur Clarke describing how he did not try to patent communications satellites, even though he was the first to describe them””);

- displaying the plurality of representative images (Col 17, lines 48-51 “Appearing on the screen are several icons, some showing motion clips of the video contained, followed by text forming an extended title/abstracts of the information contained in the video”) and;
- determining one of the representative images being selected (Col 17, lines 59-60 “Through either a mouse or a spoken command, the student requests the second icon”); and
- reproducing the audio information corresponding to the selected representative image (Col 17, lines 60-63 “The screen fills with a video of Arthur Clarke describing how he did not try to patent communications satellites, even though he was the first to describe them”).
- Wactlar discloses the use of music in the plurality of clips (Col 12, lines 43-45 “timing of audio and/or background music, and changes in content of spoken words can be used for reliable segmentation”), but does not specifically identify each of those clips as being music pieces.

The Examiner takes official notice that identifying a video clip as a music piece is notoriously well known, commercially available, and widely used, providing a user with a video “juke box” type of entertainment system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar to identify the video clips as music pieces.

**Regarding claims 16, 18, 20, and 22,** Wactlar discloses a method for reproducing and recording audio, still image, and management information wherein the information storage medium is configured to record:

- one or more music reproduction units for reproducing the audio information (Col 7, lines 3-6 “The online portion 14 of the system 10 may be implemented in software and run on various different machines having access to digital library 36 through various network configurations”); and
- set information for setting one or more pieces of the still image information to represent contents of the music reproduction unit (Col 17, lines 48-51 “Appearing on the screen are several icons, some showing motion clips of the video contained, followed by text forming an extended title/abstracts of the information contained in the video”);
- wherein the set information is provided for at least one of the music reproduction units, and a specific one of the pieces of the still image information configured to be displayed first in the music reproduction unit is set as a representative still image of the contents of the music reproduction unit (Col 17, lines 48-51 “Appearing on the screen are several icons, some showing motion clips of the video contained, followed by text forming an extended title/abstracts of the information contained in the video”).

- Wactlar discloses the use of music in the plurality of clips (Col 12, lines 43-45 “timing of audio and/or background music, and changes in content of spoken words can be used for reliable segmentation”), but does not specifically identify each of those clips as being music pieces.

The Examiner takes official notice that identifying a video clip as a music piece is notoriously well known, commercially available, and widely used, providing a user with a video “juke box” type of entertainment system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar to identify the video clips as music pieces.

**Regarding claims 17, 19, 21, and 23**, Yuen discloses a method for recording and reproducing audio, still image, and management information wherein the information storage medium is configured to record:

- information for specifying or designating one or more pieces of the still image information to represent contents of the reproduction sequence in which the still image information is to be displayed (After the paragraphing function 33 is complete, icons are generated by function 35. Icons are a combination of text and video, either still or motion, which are created for subsequent presentation to the user performing a search. Visual icons are preferably a representative of a video paragraph or multiple contiguous video paragraphs relating to the same subject matter.);

- wherein, in a case where the still image information is configured to be displayed at the same time when the audio information is reproduced in accordance with the reproduction sequence, a specific one of the pieces of the still image information configured to be displayed first is set as a representative still image of the contents of the reproduction sequence (Col 13, lines 52-59 "After the paragraphing function 33 is complete, icons are generated by function 35. Icons are a combination of text and video, either still or motion, which are created for subsequent presentation to the user performing a search. Visual icons are preferably a representative of a video paragraph or multiple contiguous video paragraphs relating to the same subject matter.").

**Regarding claims 26 and 27,** Wactlar discloses a method and apparatus wherein a plurality of representative programs are parallel displayed in the displaying process (Col 17, lines 49-51 "Appearing on the screen are several icons, some showing motion clips of the video contained, followed by text forming an extended title/abstracts of the information contained in the video").

**Regarding claim 28,** Wactlar discloses an apparatus of reproducing music information from an information storage medium comprising:

- a first unit configured to reproduce management information for managing a manner of reproduction of the music information to search for a plurality of representative images representing one or more pieces of audio information (Col 16, lines 3-5 "There is a digital video/audio archive 82 with a

hierarchically cached file system, with all the digitized data at the top 'media-server' node 84"), wherein the music information is configured to be associated with one or more of the representative images (After the paragraphing function 33 is complete, icons are generated by function 35. Icons are a combination of text and video, either still or motion, which are created for subsequent presentation to the user performing a search. Visual icons are preferably a representative of a video paragraph or multiple contiguous video paragraphs relating to the same subject matter.);

- a second unit configured to display the representative image (Col 16, lines 14-15 "The 'site-server' nodes 88, 90, 92 sit on a local area net with end-user local interactive user workstation 42");
- a third unit configured to determine one of the representative images being selected (Col 14, lines 52-55 "An initial query may be textual, entered either through the keyboard, mouse, or spoken words entered via microphone at workstation 42 and recognized by the online portion 14 of the system 10"); and
- Wactlar suggests reproducing the audio information corresponding to the selected representative image (Col 15, lines 7-9 "The interactive user station 42 allows the user to adjust the "size" (duration) of the retrieved video/audio segments for playback"), but does not specifically disclose a unit to do so.

The Examiner takes official notice that playback of the audio in a video/audio segment is a notoriously well-known, commercially available, and

widely used method of providing the user with a complete audio/visual experience intended by the producer of the program segment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wactlar to include a unit to reproduce the audio information in an audio/video presentation.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al.

**Regarding claim 24**, Noguchi et al disclose a method for reproducing and editing music information comprising:

- selecting audio information represented by a representative image (Col 16, lines 43-46 “when the generation of the play list is designated on a play list generation designation picture...a picture shown in FIG. 9A is displayed on the monitor D” and Col 7, lines 41-42 “the picture or voice corresponding to the recording signal Sr”);
- setting the representative image to represent the first audio information (Col 17, lines 8-10 “Accordingly, the picture shown in FIG. 9A is again displayed on the monitor D”);
- setting the representative image to represent the second audio information (Col 19, lines 1-3 “the display of the part designated by the cursor K on the monitor D is erased to display a picture indicative of a content of a new play list”);

- selecting one of the representative images (Col 20, lines 15-17 “the part to be reproduced can be recognized intuitively and easily by using the leading picture as a key at the time of the reproduction”); and
- reproducing the audio information corresponding to the selected representative image (Col 20, lines 15-17 “the part to be reproduced can be recognized intuitively and easily by using the leading picture as a key at the time of the reproduction”).
- Noguchi et al disclose editing a clip as required (Col 17, lines 4-5 “a play list generation end/continuation picture shown in FIG. 9C is displayed on the monitor D”), but do not specifically indicate that such editing is dividing the audio information into a first audio information and a second audio information.

The examiner takes official notice that designating a starting point for playback of a clip and an end point for playback of a clip allows the user to designate a second starting point for playback of the clip at or immediately after the first end point for playback of the clip, as is understood by those of ordinary skill in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Noguchi et al in order to allow dividing the clip into a first part and a second part.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF  
22 February 2006

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